IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 631 of 2007()

AGAINST THE ORDER IN RE-FILED CC 600/06 IN CC.211/2000 of J.M.F.C.-II,NEYYATTINKARA

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: PETITIONERS/1ST,2ND & 5TH ACCUSED

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1. SHIBUKUMAR, AGED 30 YEARS,
   S/O. APPU NADAR, PARAPADANNA PUTHEN VEEDU,
   CHOVVARA P.O.

2. PRASANTH, AGED 30 YEARS,
   S/O. PRABHAKARAN NAIR, MUDAKKAL HOUSE,
   PUNNAKKULAM, KOTTUKAL P.O.

3. SUNILKUMAR, AGED 33 YEARS,
   S/O. CHELLAPPANASARI, THEKKEKKONAM SHAJI BHAVAN,
   KOTTUKAL P.O.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, VIZHINJAM POLICE
STATION, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(INVESTIGATING OFFICER IN CR.NO.12/2000 OF
VIZHINJAM POLICE STATION).

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 631 of 2007

DATED: 31st January, 2007

O R D E R

Petitioners who are accused Nos. 1, 2 and 5 in Crime No. 12/00 of Vihinjam Police Station for offences punishable under Sections 143, 147, 148, 341, 506 (ii) and 323 read with Sec. 149 I.P.C., seek anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioners in C.C. 211/00 before the Judl.First Class Magistrate Court-II, Neyyattinkara, the case against the petitioners were split up and re-filed as C.C. 600 of 2006. Non-bailable warrants of arrest are pending against the petitioners. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. It is for the petitioners to seek regular bail after surrendering before the concerned Magistrate's Court. Petitioners have a contention that co-accused in the case have been acquitted after trial. Accordingly, if the petitioners surrender before the Magistrate within two weeks from today and file an application for regular bail, the same shall be considered and disposed of (despite the non-

bailable warrants of arrest pending against the petitioners) preferably on the same day on which it is filed after considering the explanation offered by the petitioners for their previous non-appearance and also after considering the contention of the petitioners that the co-accused in the case have been acquitted after trial.

With the above observation this application is dismissed.

V.RAMKUMAR,

JUDGE.

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